



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 4 Halbadier Place

Date:	January 21, 2010
To:	Etobicoke York Community Council
From:	Curtis Seacock, Manager, Municipal Licensing and Standards
Wards:	Ward 3, Etobicoke Centre
Reference Number:	09-172269 FEN 00 IR

SUMMARY

This staff report is in response to an application for a Fence Exemption submitted by the property owner to erect a close board wooden fence with a lattice top, averaging 2.38 metres high, to replace the existing chain link fence and a hedge at the south side of the property at 4 Halbadier Place (Attachments 2 and 3), for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that Etobicoke York Community Council refuse the application, as the proposed fence does not comply with the provisions of Toronto Municipal Code Chapter 447, Fences.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

The property is a single residential property located at a corner lot with both the west frontage and south flankage abutting Halbadier Place at the approach to the cul-de-sac (Attachment 1).

There is an existing swimming pool at the rear yard which is provided with a fence enclosure that meets the safety requirements of a swimming pool enclosure under the former Etobicoke Municipal Code. The section of the pool enclosure on the south side is made up of a combination of close board wooden fence on the inside, a chain link fence in the middle and a 3.0 metres high hedge on the outside (Attachments 4 and 6).

As the hedge is allegedly too high for maintenance (Attachments 2, 3, 4 and 6) and it is partly encroaching on the Halbadier Place road allowance, the owner is planning to remove it completely together with the existing fences on the south side and replace this section of the pool enclosure (together with the portion on the east side abutting 120 Meadowbank Road) with a new close board wooden fence with a lattice top. While the new fence will only be 1.95 metres high measured to the pool deck, it is 2.80 metres high measured from the travelled portion of the sidewalk (Attachment 5), and this is equivalent to an average height of 2.38 metres.

The owner has provided a letter from the neighbour at 120 Meadowbank Road who expressed that they have no objection to the proposed fence construction.

COMMENTS

The fence height is taken as any point along the length of the fence from the average grade level measured perpendicular to and one metre away on either side of the fence according to section 447-2B(1) of Chapter 447 of Toronto Municipal Code, Fences. In effect, the average height of the proposed fence is 2.38 metres.

Being on a corner lot on the side with the longer property line abutting a street (Attachments 1 and 6), the proposed fence on the south side is located on the flankage yard as defined in the By-law. The maximum height of a fence at the flankage yard of a single residential property within 2.4 metres of side lot line and within 2.4 metres of any driveway is 2.0 metres under Table 1 of the said Chapter. Section 447-2C(1) further requires any fences within 2.4 metres from a driveway to be of open construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway. The proposal for this Fence Exemption request will result in a close board wooden fence, instead of one of open construction, within 2.4 metres from the driveway, and having an average height of 2.38 metres with the lattice top, that exceeds the maximum height permitted by 38 centimetres (15 inches).

Whilst the proposed fence will still be able to achieve the standards for minimum traffic sight line clearance (2.4 metres), taking into consideration of the open space in the boulevard between the fence and the sidewalk, the fence is in violation of the Fence By-law and as such, Municipal Licensing and Standards is recommending refusal of the application.

It was also noted that a shrub planted on top of a low retaining wall on the west side of the driveway beside the entrance to the dwelling may create sight line obstruction to traffic (Attachment 6). Subject to investigation by Transportation Services, it may also be encroaching on the Halbadier Place road allowance.

Should the Etobicoke York Community Council decide to grant the fence exemption, the owner must comply with the following conditions:

1. The new fence to comply with all the safety requirements for a pool enclosure in accordance with Toronto Municipal Code, Chapter 447, Fences.
2. The owner to remove the shrub that poses an obstruction to traffic sight line by May 1, 2010 and comply with the requirements of Transportation Services (Right of Way Management) for any encroachments on the Halbadier Place road allowance.
3. The owner to obtain from Toronto Building Division the necessary permit to alter the existing pool enclosure.

CONTACT

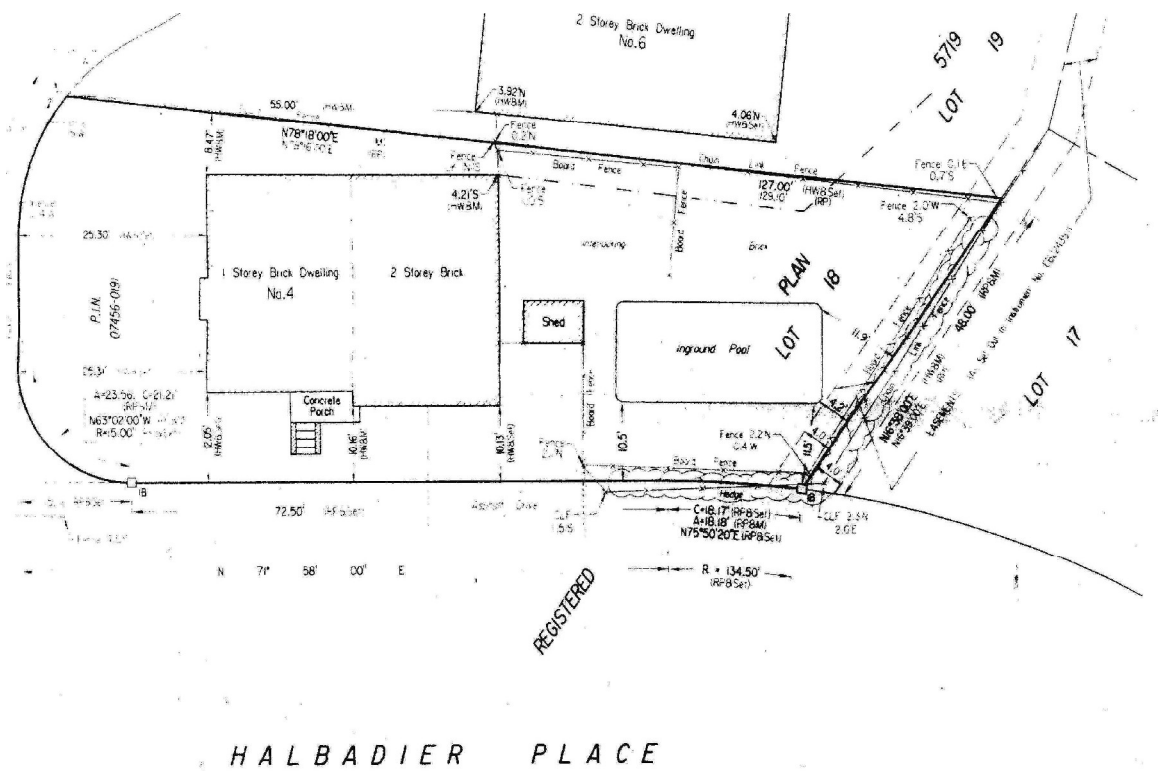
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SIGNATURE

Curtis Sealock, District Manager
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Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Aerial Photo and Property Survey
Attachment 2: Fence Exemption Request Letter
Attachment 3: Photos submitted by owner for the Fence Exemption Request
Attachment 4: Site Plan showing the Proposed Fence
Attachment 5: Section and Elevation of the Proposed Fence
Attachment 6: Photos showing the Existing Fence/Hedge on the South Flankage



Attachment 1: Aerial Photo and Property Survey

Toronto, Sep 22nd 2009



Figure 1

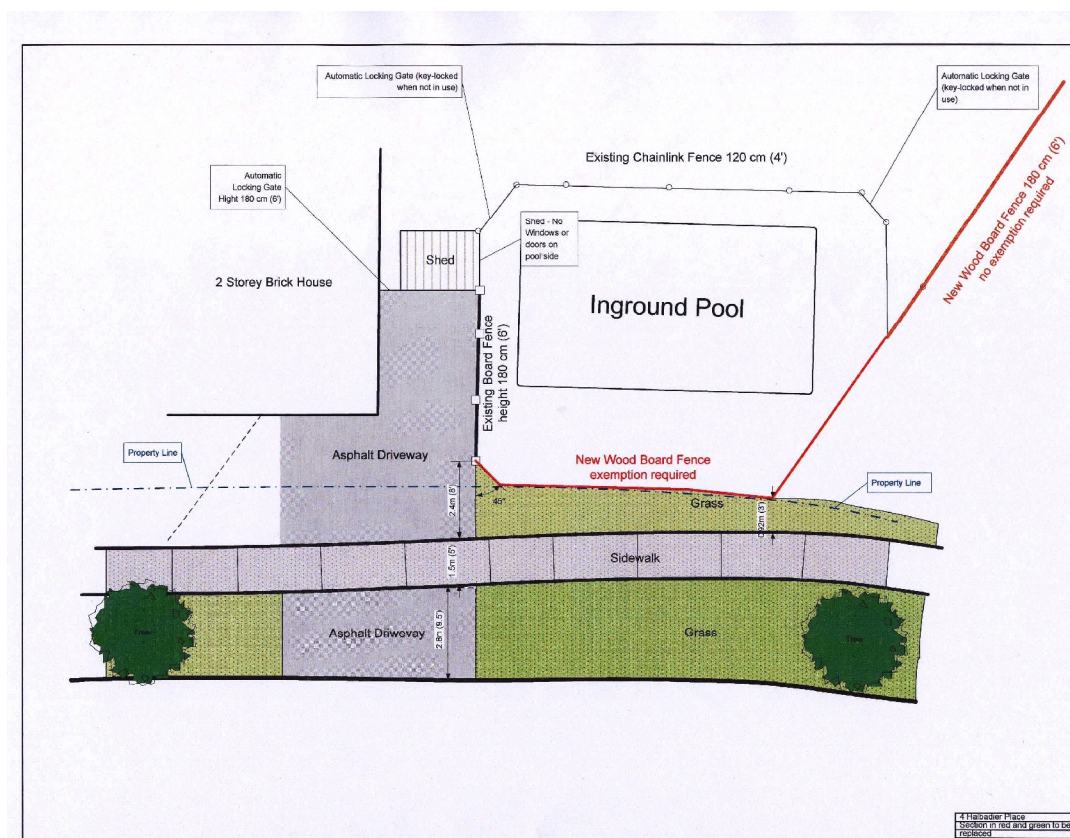
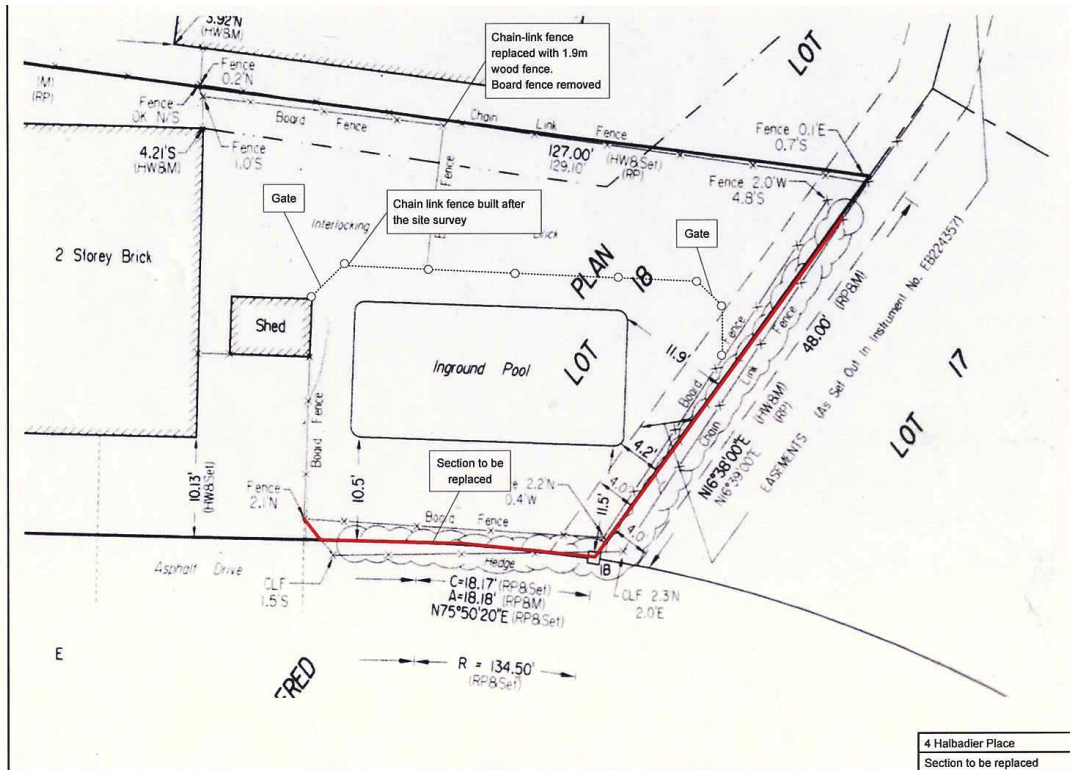


Figure 3

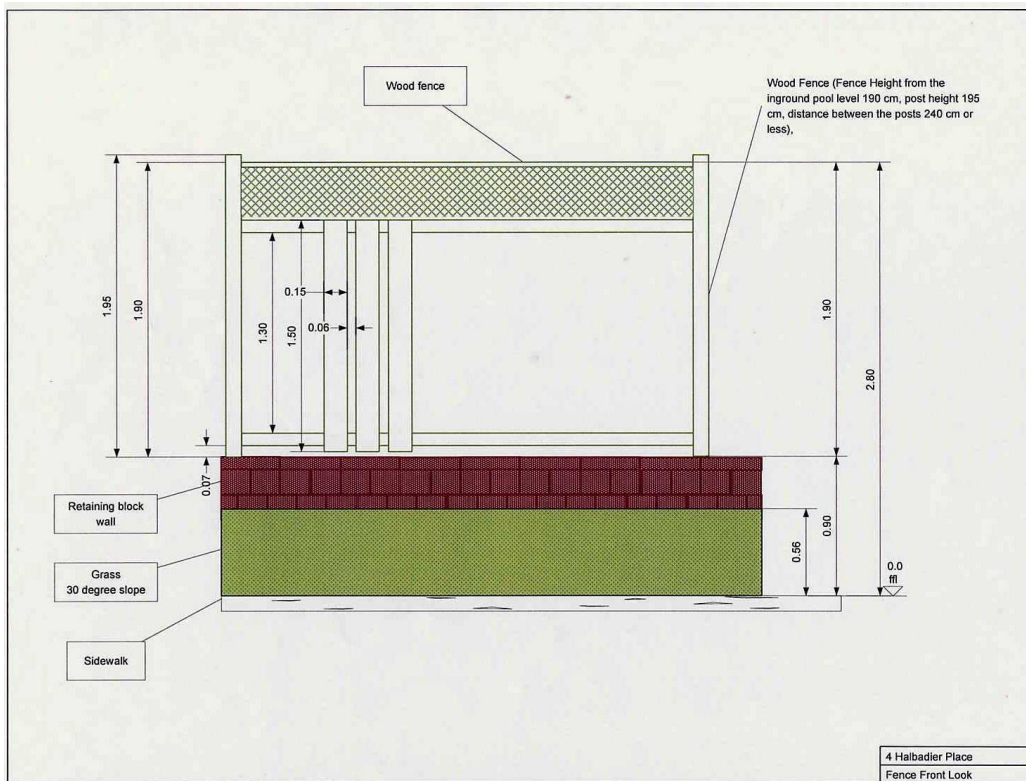
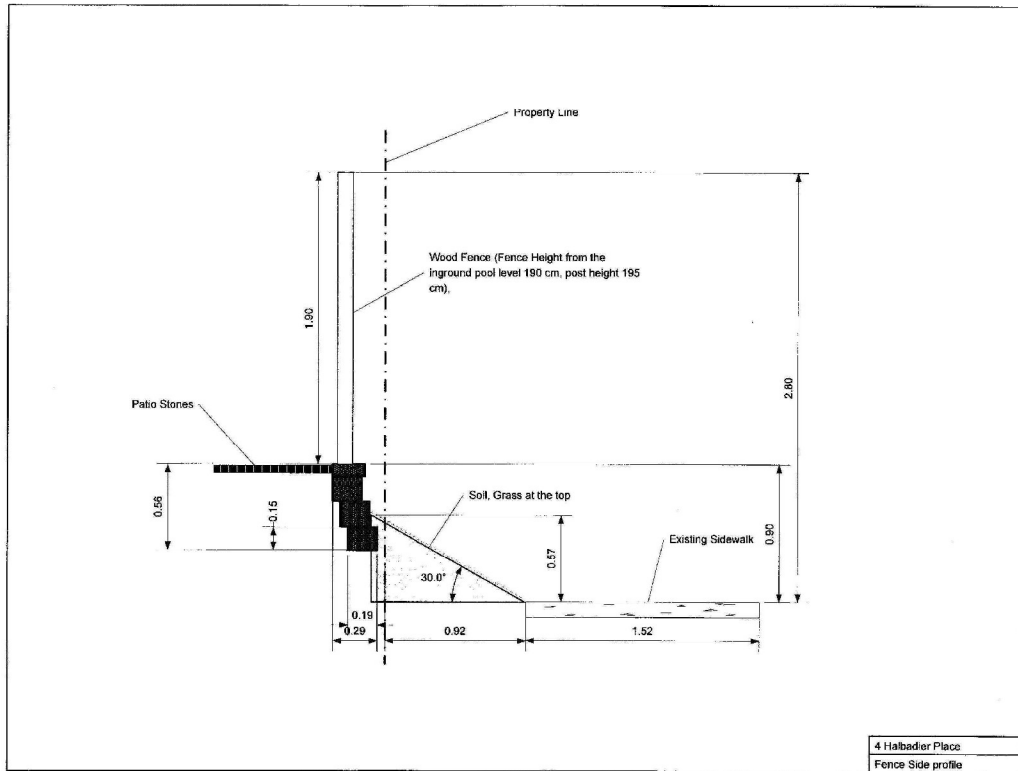


Figure 2

Attachment 3: Photos submitted by owner for the Fence Exemption Request



Attachment 4: Site Plan showing the Proposed Fence



Attachment 5: Section and Elevation of Proposed Fence



Attachment 6: Photos Showing the Existing Fence/Hedge on the south Flankage